



CRM-M-46949-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(216)

CRM-M-46949-2024
Date of Decision : 14.10.2024

Rajni @ Riya ...Petitioner

Versus

U.T. of Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Ferry Sofat, Advocate and
Mr. Karan Batta, Advocate
for the petitioner.

Mr. Manish Bansal, P.P. for U.T. Chandigarh with
Ms. Diksha Sharma, Advocate and
Mr. Shaurya Nagpal, Advocate
for the respondent.

KULDEEP TIWARI, J.(ORAL)

1. Through the second instant petition, filed under Section 482 of BNSS, a prayer is made for grant of relief of anticipatory bail to the petitioner in case FIR No.0141, dated 02.08.2024 (Annexure P-1), under Sections 308(2) and 61(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sector-17, District Chandigarh.
2. Learned counsel for the petitioner submits that the earlier petition preferred by the petitioner was dismissed, on account of the fact that the petitioner had straightaway accessed this Court, without approaching the learned Sessions Court concerned, therefore, the petitioner was relegated to the Court concerned for the relief asked for.
3. Learned counsel further submits that the petitioner filed anticipatory bail application before the Sessions Court concerned, which was



dismissed by the learned Additional Sessions Judge, Chandigarh, vide order dated 11.09.2024. Now, on apprehension of arrest in the instant FIR, this second anticipatory bail petition has been filed.

4. Learned counsel for the petitioner would submit that no specific role is assigned to the petitioner in the FIR (supra), in fact, as per the FIR, she was called by the main accused namely Harinder Kaur, at the spot only for the purpose of extending help to the complainant. He further submits that there is no money transaction, as alleged in the instant FIR. Finally, he submits that there was no communication between the complainant and the present petitioner and therefore, in the absence of any incriminating evidence, the allegations levelled by the prosecution remain unsubstantiated.

5. The instant FIR has been registered, on a complaint made by one, Jaspal Singh Cheema, who is a Non-Resident Indian, and has come to visit India. The present petitioner along with her friend, Harinder Kaur (co-accused), hatched a conspiracy with one Rajbir Singh (a known drug supplier), to set up a false trap against the complainant to implicate him in a NDPS case, to extort the money and for that purpose, Balwinder Singh, Constable, was approached. The relevant extract of the FIR, reads as under :-

*“To SHO, Police Station, Sector 17, UT, Chandigarh. Sir,
1. Jaspal Singh Cheema, Permanent resident of U.S.A. now staying at 4484, Darshan Vihar, Sector 68, Mohali. I came to India on 2nd May 2024 and reached home Le 4484, Block Darshan Vihar AWHO Sector-68 Mohali. My female friend namely Harinder Kaur lives and looks after my house since last 6 years. As soon as I reached home, she was at home. After two hours came to know that my passport is missing. I tried my best but could not find. I applied for new passport and got the same in first week of July, 2024 from Jalandhar. On 18th July 2024, I with my*



female friend Harinder Kaur went to Sector-22, Chandigarh for shopping. We have parked our car Maruti 800 CHOIV- 2706, at Kiran Cinema parking after taking proper parking charges receipt. We came back after shopping of half an hour to our car. Time was 9:40 PM approximately dated 18/7/2024. Than two persons came one in police uniform having name plate of Balwinder Singh and other in civil clothes. The police person told me that he wants to search our car, as he has got the information. He asked me to open the car. As I opened the car the civilian person started marking video in the mobile phone of Balwinder. We were watching he did some fishy and took out a packet of black polythin, he teared it of and said it is opium white powder. Now you have to go to police station and a big case of NDPS has to be filed against you I was shocked to hear his threatening. He told the other person (who was in Civil) to leave and he left the place after handing over the mobile phone to Balwinder. I told him you are framing us for this. He is very aggressive and showing his power to frame a case on us. I requested him this is not our, nor we do such things. Please leave us, he started to negotiate with me. By the time Madam Harinder rang up her friend for the help. Than her friend Riya and Next morning Harinder told me that she gave that money to his brother-in-law Mr.Karan to handover to these police persons. Two three passed but they never returned my passport. Harinder Kaur apprised me that Police flight which was on 22nd of July 2024. Please save us from this scam and get my passport and other her Jija Mr. Karan came in short time. Karan also requested for apologies. Than police person said I will talk to my senior officer. He rang up some one and told his demand for compromise of Rs. 7,00,000/-. I was shocked to hear the demand. After long discussion it was finalized at Rs.3,00,000/-. He asked for some immediate cash.



Harinder Kaur took my ATM card and withdraw Rs. 40,000/- from ATM and gave to constable Balwinder. He took cars registration, my senior citizen card of USA. and asked Mr. Karan to go to my home and take his passport in custody as you are their guarantor. Bring Rs.2,60,000/- cash balance with you. He freed us. Next day, I and Harinder kaur went to a park adjoining Police Station Phase-7 Mohali at around 7:00 pm and paid Rs. 2,60,000/- to Riya which I withdrawal my Mohali SBI branch. I told Harinder to pay this amount to her Jija Karan directly but she refused and was adamant to handover the same to Riya. Officials are harassing Karan Singh and asking for more money. Now, Karan Mobile No. 7973309425 and Riya 6283442262 is not contacting me after so many reminders. The conduct of Harinder is also fishy as she was pressurizing me to arrange more money. Now I am dead sure that Harinder Kaur, Riya, Mr.Karan and constable Balwinder Singh did this scam with me under the conspiracy with each other. I have missed my documents so that I can go back to U.S.A. earliest possible and cash of Rs. 3,00,000/- from them. Take legal action against all the conspirators.”

6. During the course of the investigation, accused Balwinder Singh was arrested on dated 02.08.2024, and a sum of Rs.40,000/- in cash was recovered from him. He during the investigation suffered a disclosure statement that he received a phone call from his friend, Rajbir Singh, also known as Gaurav (a known drug dealer), who asked him to assist in setting up a false NDPS trap against the complainant, to extort the money as a favour to his friend, Riya (present petitioner), and Harinder Kaur. The other co-accused Harinder Kaur, was also arrested in this case and she in her disclosure statement stated that she in connivance with Karan and Riya (present

petitioner) along with Balwinder Singh, made a plan to implicate the complainant in a false NDPS case, in order to extort the money from him.

7. This Court has heard the submissions made by the learned counsel for the petitioner and has gone through the record as well.

8. The present petitioner played an active role, as she in furtherance of the conspiracy intervened in the matter and settled the matter with the complainant to stop the police official Balwinder Singh, and also negotiated in reducing the bribed amount from Rs.7,00,000/- to Rs.3,00,000/-. Subsequently, Harinder Kaur, also handed over an amount of Rs.2,60,000/- to the present petitioner, to further transferred the same to the co-accused Karan, who would further handed over the said amount to the police official, Balwinder Singh and in return he would get the documents i.e. passport, senior citizen card of the complainant from Balwinder Singh.

9. The allegations against the present petitioner are serious in nature and *prima facie* there are sufficient evidence, which points finger towards the present petitioner, being one of the active conspirator and a person, who actively participated in extorting the money from the complainant, therefore, this Court, is of the view that the petitioner do not deserve the relief of grant of anticipatory bail. Accordingly, the instant petition is **dismissed**.

(KULDEEP TIWARI)

JUDGE

October 14, 2024

Manpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No